

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE
6851 N.E. Loop 820, Suite 300
North Richland Hills, TX 76180-6608
(817) 770-8500
Fax (817) 770-8511

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

JOE BOB SCROGGINS

Debtor,

Case No: 22-41027-MXM

Court Hearing:

Time & Date: 8:30 AM on
Thursday, July 21, 2022

TRUSTEE'S OBJECTION TO CONFIRMATION

TO THE HONORABLE MARK X MULLIN, U.S. BANKRUPTCY JUDGE:

Now comes Tim Truman, the Standing Chapter 13 Trustee, and files this his "Trustee's Objection to Confirmation" of the Plan heretofore filed herein by Debtor, and for the same would respectfully show the Court as follows:

The Plan fails to meet the "feasibility" requirements of 11 U.S.C. Section 1325 (a) (6) of the Bankruptcy Code. In this regard, the Trustee would show that the Debtor's proposed Plan provides for the following plan payments:

DEBTOR PAY SCHEDULE NO. 1 (JOE BOB SCROGGINS)

PAYMENTS BEGINNING: 06/02/2022 FOR 60 MONTHS IN THE AMOUNT OF: \$1,353.00

The Debtor's monthly surplus per Schedules I and J is \$9,680.00. Therefore, the Plan does not appear to be feasible for that reason, and for the following reason(s) if any:

The Debtor has substantial "projected" income (\$10,000.00) listed on Schedule I. Due to the speculative nature of the Debtor's "projected" income, the Trustee is unable to recommend confirmation of the plan.

The Plan fails to meet the "disposable income" requirements of 11 U.S.C. Section 1325 (b) (1) (B) since the Plan does not propose to pay all of the Debtor's disposable income for the applicable commitment period to the Debtor's unsecured creditors.

The Plan provides for an unsecured creditors' pool ("the pool") of \$0.00. The Trustee has calculated a pool of \$274,979.88 based on a monthly disposable income of \$7,638.33 over a 36 month applicable commitment period, with the following add-backs, if any:

None

Based on information provided by the Debtor, the Trustee is unable to determine if the Plan meets the requirements of 11 U.S.C. Section 1322 and 11 U.S.C. Section 1325. In this regard the Trustee would show the following:

JOE BOB SCROGGINS did not provide verification of the social security number submitted on the bankruptcy petition. Until the social security number is verified, the Trustee is unable to recommend confirmation of the plan.

The Debtor has failed to meet the requirements of 11 U.S.C. Section 1325(a)(9). The Trustee would show, on information and belief, that the Debtor has not filed all applicable federal, state and local tax returns as required by Section 1308 of the Bankruptcy Code. As of the date of the 341 meeting 6/22/2022, the returns for the following tax years had not been filed: **2019-2021**. Therefore, the Trustee is unable to recommend Confirmation of the Plan.

The Debtor has failed to meet the requirements of 11 U.S.C. Section 1325(a)(1). The Trustee would show that the Debtor has not provided to the Trustee their most recent federal income tax return as required by Section 521(e)(2)(A)(i). As of the date of the 341 meeting on June 22, 2022, the federal income tax return for the following tax year had not been provided to the Trustee: **2021**. Therefore, the Trustee is unable to recommend Confirmation of the Plan.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that said Plan not be confirmed unless and until it has been modified to cure all objections set forth hereinabove, and for general relief.

Respectfully submitted,

By: /s/ Angela D. Allen

Tim Truman, Bar # 20258000
Standing Chapter 13 Trustee
Angela Allen, Bar #
007869700
Staff Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Trustee's Objection to Confirmation" was served on all parties listed below in the manner listed below on or before June 27, 2022.

/s/ Angela D. Allen

Tim Truman, Angela Allen

BY FIRST CLASS MAIL:

JOE BOB SCROGGINS, 1828 LARIAT DR, JUSTIN, TX 76247-0000

BY ELECTRONIC SERVICE:

LEE LAW FIRM PLLC, 8701 BEDFORD EULESS RD STE 510, HURST, TX 76053

AIS PORTFOLIO SERVICES, 4515 N SANTA FE AVE DEPT APS, OKLAHOMA CITY, OK 73118

United States Trustee, 1100 COMMERCE STREET, ROOM 976, DALLAS, TX 75242